



Avery Horovitz
BOCHNER PLLC

1040 Avenue of the Americas, 15TH Floor, New York, NY 10018

o 646.971.0685 eavery@bochner.law w bochner.law

MEMO ENDORSED

VIA ECF

December 5, 2024

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/6/24

**Re: 753 East 226 LLC et al v. The New York City Department of Housing
Preservation & Development et al; Case No. 24-cv-4197**

Letter Regarding Settlement Agreement in Principle

Dear Judge Caproni:

Our firm is counsel to Plaintiffs 753 East 226, LLC, 148 W 142, LLC, and 820 East 10th St., LLC, (collectively, "Plaintiffs") in the above-referenced matter. We write jointly together with Defendants The New York City Department of Housing Preservation and Development and Adolfo Carrion Jr. (collectively "City Defendants") and, together with Plaintiffs, the "Original Parties") to inform the Court that the Original Parties have reached an agreement in principle to settle the instant action in its entirety. In consideration of this substantive development, the Original Parties have agreed to, and respectfully request that the Court so-order a 60-day stay of the instant action to allow for additional time to finalize the detailed terms of the forthcoming settlement agreement. Counsel for the Intervenor Defendants has advised the City Defendants that they consent to the 60-day stay but need further time to evaluate settlement.

In view of the foregoing, Plaintiffs request that their Amended Motion for Preliminary Injunction [ECF 68] be withdrawn without prejudice.

The Original Parties further advise that they intend to provide an additional update to the Court once the final details of the anticipated settlement have been agreed upon.

We thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/ Avery Horovitz

Avery Horovitz, Esq.

Edward A. Paltzik, Esq.

Counsel for Plaintiffs

Application GRANTED in part. Plaintiffs' Motion for a Preliminary Injunction at Dkt. 68 is DISMISSED. All other deadlines are STAYED for 30 days. The parties are required to submit a joint status update by no later than January 6, 2025, indicating whether the parties have finalized a settlement agreement to resolve all issues.

SO ORDERED.

 12/6/24

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE